



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,437	11/12/1999	JEFFREY MARK ACHTERMANN	AT9-99-274	9316

7590 04/09/2004

JAMES J MURPHY  
5400 RENAISSANCE TOWER  
1201 ELM STREET  
DALLAS, TX 752702199

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 04/09/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application

09/438,437

Applicant(s)

ACHTERMANN ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

This Office Action is in response to Applicant's Request for Reconsideration filed on January 27, 2004. Claims 1-22 are presented for further examination.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendren, III.

As per claim 1, Hendren III, discloses a data processing system for bulk data transfer comprising:

- a source data processing system for distributing data to one or more target data processing systems (abstract, col. 1, lines 25-31, lines 49-62 and col. 2, lines 33-65);
- one or more fan-out nodes for transferring said data between said source system and each of said one or more target data processing systems and transferring result information between said one or more target data processing systems and a pre-selected

set of one or more data processing systems for managing data distributions (abstract, col. 1, lines 25-31, lines 49-62 and col. 2, lines 33-65).

As per claims 9 and 16, Hendren, III discloses:

- transferring said data via a first set of one or more fan-out nodes to one or more endpoints systems (abstract, col. 1, lines 25-31, lines 49-62 and col. 2, lines 33-65); and
- transferring results information via a second set of said one or more fan-out nodes from said one or more endpoints to a pre-selected set of one of more data processing systems for managing data distributions, said results information generated in response to said step of transferring said data (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8).

As per claim 4, Hendren, III discloses:

- receiving said data from said source data processing system by a first fan-out node (abstract, col. 1, lines 25-31, lines 49-62 and col. 2, lines 33-65);
- sending said data to a second fan-out node (abstract, col. 1, lines 25-31, lines 49-62 and col. 2, lines 33-65); and
- sending said data from said second fan-out node to one or more said target data processing systems (abstract, col. 1, lines 25-31, lines 49-62 and col. 2, lines 33-65).

As per claim 5, Hendren, III discloses:

- wherein source data processing system distributes said data in response to a request from at least one said target data processing systems (abstract, col. 1, lines 25-31, lines 49-62 and col. 2, lines 33-65).

As per claims 11 and 18, Hendren, III discloses:

Art Unit: 2157

- wherein the step of transferring said data is performed in response to a request received from an application on at least one said plurality of endpoints (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8).

As per claims 2, 6, 10, and 17, Hendren, III discloses:

- wherein each said of one or more fan-out nodes is operable for caching at least a portion of a data distribution and at least a portion of said result information (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8).

As per claim 3, Hendren, III discloses:

- wherein a data distribution has a pre-selected priority, said pre-selected priority operable for determining an availability of resources (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8).

As per claims 7, 12, and 19, Hendren, III discloses:

- a list of target data processing systems to receive the data (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8);
- an identifier of a method by which the target machines will receive and process data (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8)
- an identifier of a notification method by which said result information from each endpoint system will receive by said pre-selected set of one of more data processing

Art Unit: 2157

systems for managing data distributions

(abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8).

As per claim 8, Hendren, III discloses:

- wherein said request is assigned a pre-selected distribution priority and said request is enqueued in accordance with said pre-selected distribution priority (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8).

As per claims 14 and 21, Hendren, III discloses:

- determining an availability of a network connection for said transferring results information in response to said one said selected pre-selected set priority values (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8).

As per claims 13 and 20, Hendren, III discloses:

- assigning one of pre-selected set of priority values to each data distribution (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8); and
- determining an availability of a network connection for said step of transferring said data in response to said one of said pre-selected set of priority values (abstract, col. 1, lines 25-31, lines 49-62, col. 2, lines 33-67, col. 3, lines 1-11, col. 5, lines 45-67 and col. 6, lines 1-8).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **15** and **22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendren, III in view of Smith et al (hereinafter, "Smith", 6,341,311).

As per claims **15** and **22**, Hendren, III discloses the invention substantially as claimed.

However, Hendren, III does not explicitly disclose:

- assigning a distribution lifetime value to each data distribution; and
- aborting said step of transferring said data in response to an unavailability of said connection for a time interval corresponding to said distribution lifetime.

Smith discloses a method for directing data object access requests in a distributed cache including:

- assigning a distribution lifetime value to each data distribution (at least implicitly) (col. 18, lines 13-48); and
- aborting said step of transferring said data in response to an unavailability of said connection for a time interval corresponding to said distribution lifetime (at least implicitly) (col. 18, lines 13-48).

Given the teaching of Smith, it would have been obvious to one of ordinary skill in the art to modify Hendren, III to implement or incorporate a time-to-live (TTL) timer to expire at certain time in order to provide information from a proxy to a client in a timely manner.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

**The Office notes the following arguments:**

- a. Artsy does not disclose one or more fan-out nodes for transferring the data between the source system and each of the one or more target data processing system and transferring result information between one or more target data processing systems and a pre-selected set of one or more data processing systems for managing data distribution, as recited in claim 1.
- b. Artsy does not disclose the identical invention of claim 4.
- c. Artsy does not disclose first and second set of fan-out nodes.
- d. Artsy does not disclose the identical invention of claim 11 and thus does not anticipate claim 11.
- e. Artsy admittedly fails to teach the limitation of claims 2 and 8.
- f. Applicants' respectfully submit that Artsy fails to teach one or more limitations of claim 2 incorporated by reference therein for dependency in claim 1.
- g. The teaching in Fujino directed to caching in a gateway does not disclose caching a portion of a data distribution and at least a portion of result information, nor a fan-out node for operable caching such data.
- h. None of the references alone or in combination does not teach or suggest all of the limitations of claim 2 and because there is no suggestion or motivation for modifying or combining the references from one of the sources thereof, nor a reasonable expectation of success in making the claimed invention by combining the references.



Art Unit: 2157

- i. Artsy does not teach a request comprising a list of target data processing systems to receive the data.
- j. There is no express teaching of an identifier of a notification method by which result information from each endpoint system will be received by the pre-selected set of one or more data processing systems for managing data distributions.
- k. Nemirovsky does not address data transfer over a network.
- l. The references alone or in combination fail to teach or suggest all the limitations of claim 14.
- m. Chang does not disclose or suggest the limitations of claim 8, by their plain terms and no rationale evidencing that the limitations are inherent in Chang has been provided.
- n. None of the sources has been identified as the source of the motivation for combining Artsy and Chang to make the invention of claim 8.
- o. Neither Artsy, Fujino or Nemirovsky, alone or in combination, teach or suggest all of the limitations of claim 13.
- p. Neither Artsy, Fujino or Nemirovsky, alone or in combination, teach or suggest all of the limitations of claim 15.
- q. Nemirovsky does not teach a step of aborting a step of transferring data in response to an unavailability of a connection time.

In considering (a)-(q), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,311,216 to Smith et al

U.S. Pat. No. 6,377,991 to Smith et al

U.S. Pat. No. 6,427,172 to Thacker et al

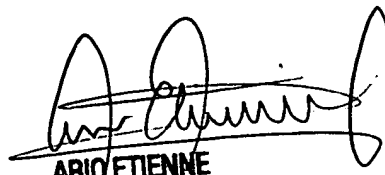
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
March 27, 2004

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100